

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: :  
DANIEL JANKI : CASE NO. 5-16-04407

:  
Debtor :

\*\*\*\*\*  
WILMINGTON SAVINGS FUND :  
SOCIETY :  
Movant, :  
vs. :  
DANIEL JANKI :  
Respondent. :  
\*\*\*\*\*

**DEBTOR'S ANSWER TO MOTION FOR RELIEF FROM  
AUTOMATIC STAY UNDER SECTION 362**

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AND NOW COMES, Daniel Janki, the Debtor, and files an Answer to Wilmington Trust,  
NA's Motion for Relief From the Automatic Stay:

1. Daniel Janki (hereinafter the "Debtor") filed a Chapter 13 bankruptcy proceeding with the U.S. Bankruptcy Court for the Middle District of Pennsylvania.
2. Debtor proposed in their Chapter 13 Plan to pay their post-petition mortgage payments directly to Movant.
3. Movant alleges that Debtors have failed to make post-petition payments.
4. Debtors Counsel is in the process of contacting the Debtor to ascertain if the payments were made and/or if the Debtors are in possession of the funds needed to pay the arrears.
5. In the event there remains an arrears, the Debtors wish to enter into a Stipulation to amend the Chapter 13 Plan to include the post-petition arrears and/or cure the arrears over a six (6) month Stipulation.

6. Movant is not entitled to relief from the automatic stay as there is equity in the property encumbered by Movant's mortgage, arrearage amount due has been paid or shall be paid directly to Movant and was included in the Chapter 13 Plan, and, therefore, the Movant is adequately protected.

WHEREFORE, the Debtors respectfully request that Movant's Motion for Relief from the Automatic Stay be denied.

Respectfully submitted,

Date: May 14, 2017

/s/Tullio DeLuca  
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\*\*\*\*\*  
**CERTIFICATE OF SERVICE**  
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The undersigned hereby certifies that on May 14, 2017, he caused a true and correct copy of Debtor's Answer to Wilmington Trust's Motion for Relief from the Automatic Stay to be served Via electronic filing on the following CM/ECF users at the following address:

Charles J. DeHart, III, Esq. at [dehartstaff@ramapo.com](mailto:dehartstaff@ramapo.com)

James Warmbrodt, Esq. at [jwarmbrodt@kmllawgroup.com](mailto:jwarmbrodt@kmllawgroup.com)

Dated: May 14, 2017

/s/Tullio DeLuca

Tullio DeLuca, Esquire